

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ASHLEY N. DAVIS,)	
)	
PLAINTIFF,)	CIVIL ACTION NO.
)	
v.)	1:21-CV-04714-MHC-WEJ
)	
HIRERIGHT, LLC)	
)	JURY TRIAL DEMANDED
DEFENDANT,)	

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Ashley Davis (“Plaintiff” or “Davis”), by and through undersigned counsel, and files this Complaint for Damages against Defendant HireRight, LLC (“Defendant” or “HireRight”), and shows the Court as follows:

Introduction

1. Ashley Davis brings this lawsuit against HireRight, LLC (“HireRight”) for monetary damages under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.* Pursuant to the FCRA, a criminal background check report that a company obtains for employment purposes is a consumer report 15 U.S.C. § 1681a(d).

2. HireRight reported inaccurate criminal information about Davis to a prospective employer.

3. HireRight willfully violated 15 U.S.C. §§ 1681e(b).

Parties

4. Plaintiff Davis is a resident of the Northern District of Georgia and Gwinnett County. She is a consumer as that term is defined by the FCRA, 15 U.S.C. § 1681a(c).

5. Defendant HireRight is headquartered in the State of California and is a “consumer reporting agency” as that term is defined by the FCRA, 15 U.S.C. § 1681a(f).

6. Defendant HireRight is a Foreign Limited Liability Company and may be served with process by delivering a copy of summons and complaint to its Registered Agent, at CT Corporation System, 289 S. Culver St., Lawrenceville, GA 30046.

7. HireRight regularly assembles or evaluates consumer credit information or other information on consumers for purpose of furnishing consumer reports to third parties.

Jurisdiction and Venue

8. The Court has jurisdiction of this matter under 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

9. Venue is proper in the Northern District of Georgia under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this judicial district.

10. HireRight issued a consumer report about Davis to a possible employer located in this judicial district and caused Davis to lose out on a job opportunity in this judicial district.

Factual Allegations

11. On Monday, October 18, 2021, Plaintiff was hired as a Chat Agent for Victoria's Secret / Bath and Body Works ("Victoria's Secret").

12. Plaintiff's employment was contingent on a criminal background check.

13. On November 8, 2021, Plaintiff attended a training session with Victoria's Secret. Towards the end of the training class, Plaintiff received a phone call from Sondra Estevez, a member of Victoria's Secret's Human Resources department.

14. Estevez told Plaintiff she had received the results of her criminal background screening and that the report contained a retail theft charge.

15. Plaintiff responded that she had no criminal record and that the criminal background report was wrong.

16. Estevez told Plaintiff the information was found by searching Plaintiff's full name and social security number. She told Plaintiff she would follow-up with Plaintiff later that day or the next.

18. The following day, Estevez called Plaintiff to inform her that she had been terminated.

19. Estevez told Plaintiff that the reason Plaintiff was being terminated is because Plaintiff had a felony on her background report and even if the information is incorrect, it would still take time for it to be resolved.

20. The HireRight background report prepared on Plaintiff and disseminated to Victoria's Secret contained three criminal conviction records belonging to an "Ashley N. Davis" and were reported by a court in Scott County, Indiana.

21. Plaintiff has never resided in any county in the State of Indiana.

22. The criminal record did not belong to Plaintiff.

23. Plaintiff has never been convicted of any criminal offense and, indeed, has never been arrested.

24. HireRight conducted a multi-state search of its criminal database and returned criminal records purportedly based on Plaintiff's name, date of birth, and address.

25. Upon information and belief, Plaintiff did not share the same date of birth, city, state, or any common address with the individual whose criminal record was erroneously attributed to Plaintiff.

26. After being terminated, Plaintiff will have a difficult time finding employment at another company and in the aftermath of this situation, Plaintiff has suffered substantial emotional distress, embarrassment, stress, and hurt.

Count One – 15 U.S.C. § 1681e(b)

27. Plaintiff realleges and incorporates by reference the prior paragraphs of this Complaint as if fully set forth herein.

28. HireRight willfully failed to maintain reasonable procedures designed to assure maximum possible accuracy of the information reported about Davis in violation of 15 U.S.C. §1681e(b).

29. HireRight's willful violation of 15 U.S.C. § 1681e(b) has caused

damages to Davis for which damages HireRight is liable under 15 U.S.C. § 1681n.

30. In the alternative, HireRight negligently failed to maintain reasonable procedures designed to assure maximum possible accuracy of the information reported about Davis, in violation of 15 U.S.C. § 1681e(b).

31. HireRight's negligent violation of 15 U.S.C. § 1681e(b) has caused actual damages, including lost wages and emotional distress damages, to Davis for which HireRight is liable under 15 U.S.C. § 1681o.

Count Two – 15 U.S.C. § 1681k

32. Plaintiff realleges and incorporates by reference the prior paragraphs of this Complaint as if fully set forth herein.

33. Upon information and belief, HireRight did not send a copy of Plaintiff's consumer report to Plaintiff at the same time it sent a copy of the report to Victoria's Secret.

34. HireRight willfully failed to maintain strict procedures to ensure that the criminal record information being reported to Victoria's Secret was complete and up to date, in violation of 15 U.S.C. § 1681k.

35. HireRight's willful violation of 15 U.S.C. § 1681k has caused

damages to Plaintiff for which damages HireRight is liable under 15 U.S.C. § 1681n.

36. In the alternative, HireRight negligently failed to maintain strict procedures to ensure that the criminal record information being reported to Victoria's Secret was complete and up to date, in violation of 15 U.S.C. § 1681k.

37. HireRight's negligent violation of 15 U.S.C. § 1681k has caused actual damages to Plaintiff for which damages HireRight is liable under 15 U.S.C. § 1681o.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award Plaintiff actual damages, including lost wages and emotional distress damages as provided in 15 U.S.C. § 1681o & n.
- B. Award Plaintiff statutory and punitive damages, as provided in 15 U.S.C. § 1681n;
- C. Award Plaintiff his attorneys' fees pursuant to 15 U.S.C. § 1681n & o;
- D. Award Plaintiff his costs pursuant to 28 U.S.C. § 1920; and

E. Grant all such additional relief as the Court deems appropriate.

Jury Demand

Plaintiff demands trial by jury on all issues as to which a jury trial is available.

Respectfully submitted this 15th day of November, 2021.

BARRETT & FARAHAANY

/s/ Ian E. Smith

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